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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,757	10/31/2001	Viktors Berstis	AUS920010752US1	4357

7590 05/07/2004
Rudolf O. Siegesmund
Suite 2000
4627 N. Central Expressway
Dallas, TX 75206

EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,757

Applicant(s)

BERSTIS, VIKTORS

Examiner

Bing Q Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-21 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>#2/Oct 31, 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-21 are presented in the application for examination.

DETAILED ACTION

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.3218 may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-21 of the instant application are provisionally rejected under the judicially created doctrine of double patenting over claims 1-27 of copending Application Number 10/001743, and claims 1-26 of copending Application Number 10/001750. This is a provisional double patenting rejection since the conflicting claims have not yet been patented. The subject matter claimed in the instant application is fully disclosed in the referenced copending applications and would be covered by any patent granted on that copending application since the referenced copending applications and the instant application are claiming common subject matter, as follows: a method and system for determining a speaker during a conference call in which a voice print is compared to voice identification data from an incoming line file and if a match is found, the identity of a participant who is currently speaking is transmitted to the other conference participants' displays.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 20, in lines 1-2, the phrase "the voice amplitude acquisition program" lacks antecedent basis.

As to claim 21, in line 1, the phrase "the voice amplitude display program" lacks antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9 and 12-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruno et al (US Pat No. 5,710,591), herein after referred as Bruno.

Regarding claim 1, referring to Figure 1, Bruno teaches a method of determining a speaker during a conference call in which a plurality of participants are connected by a plurality of lines and a switch, comprising:

using a server computer connected to the switch, obtaining a voice print for a participant in a telephone conference (see col. 6, ln 54 – col. 7, ln 4 and col. 7, lnd 42 – 46); and

using a server computer, comparing the voice print to voice identification data from an incoming line file (see col. 6, ln 54 – col. 7, ln 4 and col. 7, lnd 42 – 46); and

responsive to a match being, made, transmitting the identity of a participant, who is currently speaking to a display (see col. 4, ln 62 – col. 5, ln 7 and col. 5, lns 50 – 64).

Regarding claim 2, referring to Figure 1, Bruno further teaches the step of using the server computer, accessing an incoming line file corresponding to a line having the greatest amplitude (see col. 4, ln 62 – col. 5, ln 7).

Regarding claim 3, referring to Figure 1, Bruno further teaches the step of using the server computer, transmitting the identify of a participant, who is currently speaking on a line shared with one or more other participants, to a display (see col. 6, ln 54 – col. 7, ln 4).

Regarding claim 4, referring to Figure 1, Bruno further teaches the step of transmitting the identity of a participant, who is currently speaking, to a participant computer (see col. 4, ln 62 – col. 5, ln 7 and col. 5, lns 50 – 64).

Regarding claim 5, referring to Figure 1, Bruno further teaches the steps of:
transmitting the identity of a participant, who is currently speaking, to a telephone display unit (see col. 4, ln 62 – col. 5, ln 7 and col. 5, lns 50 – 64);

wherein, the determination of the identity of the participant who is currently speaking is made by matching a voice print to a voice identification field in an incoming line file (see col. 4, ln 62 – col. 5, ln 7 and col. 5, lns 50 – 64).

Regarding claim 6, referring to Figure 1, Bruno further teaches the step of transmitting a roster information, including speaker identification from a voice print match, from the server computer to the a telephone display unit (see col. 4, ln 62 – col. 5, ln 7 and col. 5, lns 50 – 64).

Regarding claim 7, referring to Figure 1, Bruno further teaches the step of transmitting a roster information, including speaker identification from a voice print

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match, from the server computer to the a computer over a network (see col. 4, ln 62 – col. 5, ln 7 and col. 5, lns 50 – 64).

Regarding claim 8, referring to Figure 1, Bruno further teaches the steps of:
transmitting a speaker change from the server computer to a participant computer over a network (see col. 4, ln 62 – col. 5, ln 7 and col. 5, lns 50 – 64).;
wherein the speaker change was identified by comparison of a voice print to a voice 20 identification field for an incoming line file (see col. 4, ln 62 – col. 5, ln 7 and col. 5, lns 50 – 64)..

Regarding claim 9, referring to Figure 1, Bruno further teaches the steps of:
transmitting a speaker change from the server computer to a telephone display unit (see col. 4, ln 62 – col. 5, ln 7 and col. 5, lns 50 – 64);
wherein the speaker change was identified by comparison of a voice print to a voice identification field for an incoming line file (see col. 4, ln 62 – col. 5, ln 7 and col. 5, lns 50 – 64).

Regarding claim 12, referring to Figure 1, Bruno further teaches the step of using a participant computer, displaying a roster information, including speaker identification wherein the speaker was identified by comparison of the speaker's voice print to a voice identification field in an incoming line file (see col. 4, ln 62 – col. 5, ln 7 and col. 5, lns 50 – 64).

As to claims 13-21, they are rejected for the same reasons set forth to rejecting claims 1-2 above, since claims 13-21 are merely a system for implementing the method defined in the method claims 1-2.

Allowable Subject Matter

7. Claims 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 4,827,519

U.S. Pat. No. 5,668,863

U.S. Pat. No. 5,896,422

U.S. Pat. No. 6,591,242

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

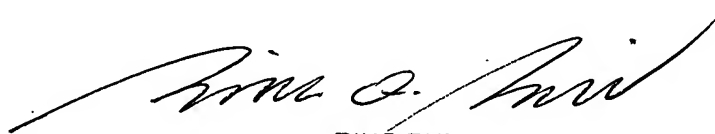
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response

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EXPEDITED PROCEDURE) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

May 01, 2004

A handwritten signature in black ink, appearing to read "Bing Bui", written in a cursive style.

**BING BUI
PATENT EXAMINER**